

1
2
3
4
5 HERMAN TAMRAT,
6 Plaintiff,
7 v.
8 MANN, et al.,
9 Defendants.

Case No. [20-cv-08503-PJH](#)

ORDER DISMISSING CASE

Re: Dkt. No. 16

10
11 Plaintiff, a former county detainee and current state prisoner, proceeds with a pro
12 se civil rights complaint under 42 U.S.C. § 1983. He alleges that defendant deputies
13 used excessive force against him and then denied him medical care. Defendants filed a
14 motion for summary judgment on the merits on January 14, 2022, and provided video
15 evidence to plaintiff and the court. Plaintiff had not filed an opposition, so the court
16 ordered him to file an opposition by April 11, 2022. Plaintiff did not file an opposition or
17 otherwise communicate with the court so on May 5, 2022, plaintiff was ordered to file an
18 opposition by May 20, 2022. He was informed that failure to file an opposition may result
19 in dismissal of this action under Federal Rule of Civil Procedure 41(b). Plaintiff has still
20 not filed an opposition or addressed the dispositive motion.

21 Consequently, the case is dismissed with prejudice for failure to prosecute
22 pursuant to Federal Rule of Civil Procedure 41(b). The pending motion to dismiss
23 (Docket No. 16) is **DENIED** as moot and this case is closed.

24 **IT IS SO ORDERED.**

25 Dated: July 13, 2022

26
27 /s/ Phyllis J. Hamilton
28 PHYLLIS J. HAMILTON
United States District Judge